

Andrew Frisch

From: Hyland, Mark J. <hyland@sewkis.com>
Sent: Sunday, April 05, 2020 4:47 PM
To: Andrew Frisch
Subject: RE: Chevron-Donziger

Dear Mr. Frisch:

With respect to your questions below, my declaration at Dkt. No. 62-1 (19 Cr. 561) contains the information Seward & Kissel LLP deems appropriate to provide in connection with your motion to disqualify the firm. As a clarifying point to your e-mail, please note that Chevron — not Seward & Kissel LLP — is asserting privilege.

Sincerely,

Mark

From: Andrew Frisch [<mailto:afrisch@andrewfrisch.com>]
Sent: Saturday, April 4, 2020 11:22 AM
To: Hyland, Mark J. <hyland@sewkis.com>
Subject: [EXTERNAL] RE: Chevron-Donziger

External Sender: Please use caution when opening attachments, clicking links, or responding to this email.

Thank you, Mr. Hyland, for your response.

Your declaration dated March 23, 2020, refers to your firm's "preparation of corporate forms" for Chevron and/or foreign affiliates. Can you please clarify the following:

1. To clarify, is it your position that the identity of the foreign affiliates referred to in your declaration is privileged?
2. Is it your position that the "corporate forms" are themselves privileged, that is, (a) any form or template used is itself privileged; and/or (b) questions asked or information requested for which the corporate forms were prepared are themselves privileged?
3. Were the "corporate forms" filed with, submitted to, or otherwise provided to any third party or anyone outside of Chevron? If so, is it your position that the "corporate forms" as prepared are privileged?
4. You limit your declaration to the firm's work for Chevron and/or affiliates for "the last ten years." Did your firm perform any work for Chevron and/or any affiliate before "the last ten years" and, if so, what work?
5. As co-General Counsel to the firm, did the firm disclose the fact of the firm's representation of Chevron and/or foreign affiliates to Judge Kaplan in or about July 2019 at the time that attorneys from the firm were approached by and accepted Judge Kaplan's appointment to prosecute Mr. Donziger, and, if not, do you know why not?

Your prompt response is appreciated.

Sincerely,

Andrew J. Frisch
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From: Hyland, Mark J. [<mailto:hyland@sewkis.com>]
Sent: Thursday, April 02, 2020 1:00 PM
To: Andrew Frisch <afrisch@andrewfrisch.com>
Subject: Chevron-Donziger

Dear Mr. Frisch,

As you are aware, I am Co-General Counsel and a partner of Seward & Kissel LLP. Your email request addressed to Rita Glavin this morning, which refers to my Declaration filed in this case, has been referred to me for a response. Chevron's position is that the information you have requested is privileged. Accordingly, the information cannot be provided by Seward & Kissel.

Sincerely,

Mark Hyland

Mark J. Hyland
Partner

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Email: hyland@sewkis.com
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